

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ~~Lucknow~~ BENCH  
OA/TA/RA/CP/MA/PT 155/88 of 20.....

Jhabboo Lal..... Applicant(S)

## Versus

Union..... of..... India

## INDEX SHEET

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Certified that the file is complete in all respects.

B & C. Weeded & diseng.

Signature of S.O.

Signature of Deal. Hand

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 155 of 1988

Name of the parties Jhabboo Lal

Applicant.

Versus.

Union of India (N. Alu) Respondents.

Part A.B.C.

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Bench copy - - - - - B1 - B35

C copy - - - - - C1 - C8

Sett

S.M | Transfer

filed on 5-10-01

# CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001  
Uttar Pradesh

(A)

Registration No. 155 of 1980(L)

APPLICANT (s) Shabbir Lal

RESPONDENT(s) O.C.L. & Ors

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	Yes
2. (a) Is the application in the prescribed form ?	Yes
(b) Is the application in paper book form ?	Yes
(c) Have six complete sets of the application been filed ?	Yes, (Five sets)
3. (a) Is the appeal in time ?	Yes
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient cause for not making the application in time, been filed ?	—
4. Has the document of authorisation/Vakalat-nama been filed ?	Yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	Yes (I.P.O. No DD 020255) Rs 50/- dt. 19.9.01
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Attested by the affidavit Commissioner in only 1 copy.

(P5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT LUDHIANA.

\*\*\*\*

O.A./T.A. No. 155 1988(C)

Zhabbar Lal

Applicant(s)

Versus

U.O. & Ors

Respondent(s)

Sr. No.	Date	Orders
	26. X. 00	<p>Hon. D.S. Misra, A.M</p> <p>Admit.</p> <p>Issue notices for one month for C.A. &amp; two weeks thereafter for R.A.</p> <p>There is also a prayer for interim relief.</p> <p>Issue notice to O.P. to file reply as to why the prayer for interim relief be not granted.</p> <p>List this case come on 21.11.00 for hearing on interim relief.</p> <p style="text-align: right;">Sd/- A.M</p> <p style="text-align: right;"><u>First</u></p>
	3/11/00	<p><u>OR</u></p> <p>Notices issued to the respondents No 1 to 5 through Regd. Post fixing 21.11.00 for hearing on interim relief.</p> <p style="text-align: right;"><u>First</u> 3/11/00</p>
	15.11.00	<p><u>OR</u></p> <p>Notices were issued to the respondents fixing 21.11.00 for hearing on interim relief.</p> <p>Notice of Respondents No 2 &amp; 3 have been received back with the postal remark " D.R.M Office (W) स्टार्ट एंट एंट ऑफिस फॉर्म बॉक्स नं 94 पट्टा ४ वार्ड नं 2. एंट रेमैक ब्लॉक D.R.M Office C.R. स्टार्ट एंट एंट ऑफिस फॉर्म एंट एंट इंडिया फॉर्म बॉक्स नं 94 पट्टा ४ वार्ड नं 2.</p> <p>No reply on behalf of other respondents has been filed so far.</p> <p style="text-align: right;"><u>First</u> 15/11/00</p>

(P)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT LUCKNOW.

\*\*\*\*

O.A./T.A. No. 155 1980(CC)

Shabbir Lal

Applicant(s)

Versus

U.O.T

Respondent(s)

Or. No.	Date	Orders
	21-11-80	No sitting. Adjourned to 21/12/80 for order. <i>Fixd 21/12</i>
	21/12/80	No sitting. Adjourned to 25/11/80 for order. <i>For S.P. Srivastava</i> counsel for respondents power filed today. <i>21/12</i>
	25/11/80 <u>OB</u>	Notices were issued to the respondents to file reply. Notice of O.P. No. 2 & 3 have been received back with postal remark. No reply has been filed so far. Case is submitted for hearing on Anterior prayer as ordered by Court. <i>Fixd 25/12/80</i>
		<u>OB</u> <u>Reply filed on</u>

Particulars to be ExaminedEndorsement as to result of Examination

(A2)

(c) Are the documents referred to in (a) above neatly typed in double space ? Yes

8. Has the index of documents been filed and paging done properly ? ~~Yes~~ NO

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? Yes

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? No

11. Are the application/duplicate copy/spare copies signed ? No. on only one copy

12. Are extra copies of the application with Annexures filed ? Yes

(a) Identical with the original ? —

(b) Defective ? —

(c) Wanting in Annexures —

Nos...../Pages Nos. .... ?

13. Have file size envelopes bearing full addresses, of the respondents been filed ? No

14. Are the given addresses, the registered addresses ? Yes

15. Do the names of the parties stated in the copies tally with those indicated in the application ? Yes

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? N. A.

17. Are the facts of the case mentioned in item No. 6 of the application ? Yes

(a) Concise ?

(b) Under distinct heads ?

(c) Numbered consecutively ?

(d) Typed in double space on one side of the paper ?

18. Have the particulars for interim order prayed for indicated with reasons ? Yes

19. Whether all the remedies have been exhausted. NO

Let case be listed on 24.10.88  
Renu 5/1/88

15

Hon' Mr. Justice K. Nath, V.C.  
Hon' Mr. D.S. Misra, A.M.

19/4/89

The amendment application has not been filed. The case be listed for hearing as it is on 3-7-1989.

A.M.

V.C.

(sns)

Rec'd. Colur  
Recd. Indlgnt  
20/4/89  
19/4/89

Rec'd. Colur  
Recd. Indlgnt  
20/4/89  
19/4/89  
19/4/89  
19/4/89

OR  
Two Misc applications  
Numbering ~~152~~ 152,  
A.M. No. 153/89 filed by  
Learned Counsel for  
the applicants.

OR  
Two C.M. An. 152/89(c),  
Condonation of delay 4 cm.  
An. No. 153/89(c) for Amend  
ment filed by the learned  
Counsel for the applicants  
on 17.5.89.  
Submitted for order

30/6

(P&J)

CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench, Lucknow

.....

July 3, 1989

Registration O.A. No. 155/88 (L)

Jhabboo Lal .... Applicant

Vs.

Union of India & ors ... Respondents

Hon' Mr. Justice K. Nath, V.C.

Hon' Mr. K.J. Raman, A.M.

( By Mr. Justice Kamleshwar Nath, V.C.)

Shri Y.K. Kulshrestha, learned counsel is present and heard. The delay in filing the amendment application is condoned.

2. The case raises a short point. The applicant was a Clerk under the Assistant Engineer, Northern Railway, Hapur, when he was posted vice ~~to~~ Shri R.B. Srivastava under Assistant Engineer, NR. Hardoi by an order dated 7-7-88 (Copy Annexure-I to the petition). The applicant on being relieved from Hapur, proceeded to join at Hardoi, but he could not join there, as Shri R.B. Srivastava continued to be posted at Hardoi. However, the transfer order was cancelled by an order dated 9-8-88 (Copy Annexed to the Opp.Ps. reply which has contained no date). The applicant has urged that it was the duty of Shri R.B. Srivastava to hand over the charge, in order to enable the applicant to join in consequence of order dated 7-7-88, and that his posting at Hardoi is also/appropriate, because he belongs to Scheduled Caste. In the reply on behalf of Opp.Ps. No. 5, it is stated that SC quota at Hardoi is already over <sup>but</sup> ~~and~~ according to the learned counsel for the applicant, the quota is not over.

AMT

2. It is not necessary to go details in the matter, because, we find that the applicant had made a representation dated 23-8-88 contained in Annexure-IV to the application, where he has stated, inter-alia that there was no post available for him at ~~Haripur~~<sup>Haripur</sup>, ~~Hardoi~~<sup>Hardoi</sup>, if he was to go back in consequence of the cancellation of order; that he had got his children admitted into the school at Hardoi, where he had also taken a house on rent and that if it was not possible for him to be posted at Hardoi, he might as well, be posted at Balamau, where a Clerk, Shri Laxmi Narain had sought for his transfer. The applicant has <sup>not</sup> received any reply to this representation.

3. In view of what has been stated above, the principal relief in the main application cannot be granted by this Tribunal, but <sup>we</sup> direct the respondents to consider the applicant's representation dated 23-8-88 (Annexure-IV to the application), within a period of six weeks from the date of the receipt of a copy of this order and it is hoped that the opposite parties would consider the representation sympathetically to the possible extent. This application is disposed of accordingly. Parties shall bear their own cost. A copy of the judgment be delivered to the learned counsel for the applicant within three days.

  
A.M.

  
V.C.

(sns)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH  
ALLAHABAD AT LUCKNOW

(R)

Jhabboo Lal .. Applicant  
Versus ..  
Union of India and others .. Respondents

I N D E X

S.No;	Description	Page No. From	to
1.	Application		
2.	Annexure No. 1 Copy of order dated 7.7.88		
3.	Annexure No. 2 copy of letter dt. 28.7.88		
4.	Annexure no. 3 copy of order dt. 29.7.88		
5.	Annexure No. 4 Copy of application dt. 23.8.88		
6.	Annexure No. 5 Copy of order dt. 5.2.1986		
7.	Affidavit		
8.	Vakalatnama		

Place: Lucknow

Dated: Sept. 23, 1988

S. P. Singh  
(S. P. Singh)

Advocate

Filed Today  
and noted for  
24-10-88

Y. K. Jadhav  
(Y. K. Jadhav)  
Advocate

24-10-88

Form I

See Rule 4

PA

Application under Section 19 of the Administrative Tribunals

Act, 1985.

Date of filing -----

or

Date of receipt by post-----

Registration No. -----

Signature

Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

ALLAHABAD, AT LUCKNOW

Jhabboo Lal .. Applicant

Versus

Union of India & others .. Respondents

1. Details of Application

(i) Name of the applicant Jhabboo Lal

(ii) Designation and office  
in which employed Clerk in the office of the  
Assistant Engineer, Northern  
Railway, Hardoi.

(iii) Office Address;  
Clerk, Office of the Assistant  
Engineer, Northern Railway,  
Hardoi.

27 Aug 2013

Ans

(iv) Address for service (1) Office of Divisional Manager,  
of all notices; Northern Railway, Moradabad.

(2) Office of Assistant Engineer,  
Northern Railway, Hardoi.

(3) Office of Divisional Superin-  
tending Engineer, Northern  
Railway, Moradabad.

(4) Office of Senior Divisional  
Personnel Officer, Northern  
Railway, Moradabad.

2. Particulars of Respondents

(i) Union of India, through Chairman Railway Board, Rail Bhawan, New Delhi.

(ii) Divisional Manager, Northern Railway, Moradabad.

(iii) Divisional Superintending Engineer, Northern Railway, Moradabad.

(iv) Senior Divisional Personnel Officer, Northern Railway, Moradabad.

(v) Assistant Engineer, Northern Railway, Hardoi.

(6) Office address of Respondents

(i) Union of India, through Chairman, Railway Board,  
Rail Bhawan, New Delhi.

(ii) Divisional Manager, Northern Railway, Moradabad.

31 Aug 1971

(iii) Divisional Superintending Engineer, Northern Railway, Moradabad.

(iv) Senior Divisional Personnel Officer, Northern Railway, Moradabad.

(v) Assistant Engineer, Northern Railway, Hardoi.

(iii) Address for service of all notices

1. Union of India, through Chairman, Railway Board, Rail Bhavan, New Delhi.

(2) Divisional Manager, Northern Railway, Moradabad.

3. Divisional Superintending Engineer, Northern Railway, Moradabad.

4. Senior Divisional Personnel Officer, Northern Railway, Moradabad.

5. Assistant Engineer, Northern Railway, Hardoi.

3) Particulars of the order against which application is made.

The application is against the following order:-

(i) Order No. E-15 dated 29.7.1988

(ii) Passed by: Assistant Engineer, Northern Railway, Hardoi

(iii) Subject in brief: Joining at Hardoi in compliance of the orders dated 7.7.1988.

3/1/88

4. Jurisdiction of the Tribunal

The applicant declares that the subject matter of the order, against which he wants redressal, is within the jurisdiction of this Tribunal.

5. Limitation

The applicant further declares that the application is within limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the case

The facts of the case are given below:-

(i) That the applicant was working as a Clerk under Assistant Engineer, Northern Railway, Hapur.

(ii) That the applicant was transferred vide office order No. 940-E.O.-3/Transfer/86/Part II dated 7.7.1988 by the Senior Divisional Personnel Officer, Moradabad from Hapur to Hardoi. A true copy of the order dated 7.7.1988 is being filed as Annexure No. 1 to this application.

(iii) That in compliance of the order dated 7.7.1988, the applicant was relieved vide office letter No. E/3 dated 28.5.1988 by the Assistant Engineer, Northern Railway, Hapur. A true copy of the letter dated 28.7.1988 is annexed as Annexure No. 2 to this application.

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(iv) That the applicant reported for duty at Hardoi in the office of the Assistant Engineer, Northern Railway, Hardoi on 29.7.1988 when he was served with an order No. E/15 dated 29.7.1988 passed by the Assistant Engineer, Northern Railway, Hardoi to the extent that one person is working here in excess. So, he is directed to report to the Senior Divisional Personnel Officer, Moradabad. A true copy of the order dated 29.7.1988 is annexed herewith as Annexure No. 3.

(v) That the applicant moved an application before the Divisional Manager that he was relieved by the Assistant Engineer, Hapur in the afternoon of 28.7.1988 and the applicant submitted his joining report on 29.7.1988, but he was not allowed to get charge on the post. The applicant further stated in his application dated 23.8.1988 that he has got his children admitted in the school at Hardoi on 7.8.88 and also took a house on rent of Rs. 300/- per month. He had further stated that the career of his children and will be spoiled if Sri R.B. Srivastava is not spared then he should be posted at Bala Man as Sri Lakshmi Narain Clerk has demanded his transfer to Lucknow. The true copy of the application dated 23.8.1988 is annexed as Annexure No. 4 to this application.

(vi) That a letter No. 1/10/79/D.T./Part 2 dated 5.2.1986 was issued regarding the transfer of scheduled caste candidates. In this letter, it was

AIU

mentioned that in the Board's letters dated 19.11.70 and 14.1.1975 it was desired that the transfer of scheduled caste and schedule tribe employees should be confined to their native districts or adjoining districts or places where the administration can provide quarters and that these instructions should be followed to the maximum extent. The applicant is a scheduled caste employee and resident of district Hardoi. He was transferred to his native district by the Senior Divisional Personnel Officer, Moradabad and the order of transfer was in conformity with the order dated 5.2.1986 referred above. A true copy of the order dated 5.2.1986 is annexed as Annexure No. 5 to this application.

(vii) That the applicant is on leave and he will suffer irreparable loss if he is not allowed to resume his duties at Hardoi. The transfer order is duly in conformity with the Board's circular letters dated 19.11.1970, 14.1.1975 and 5.2.1986, copies of which have already been enclosed along with this application.

(viii) That the action of the Assistant Engineer, Northern Railway, Hardoi in not relieving Sri R.B. Srivastava is against the Board's circular and also against the principles of natural justice.

(ix) That the applicant has been relieved

31 Aug 1986

ANS

from Hapur and he has reported for duty at Hardoi. It was incumbent on the part of the Assistant Engineer, Hardoi to allow the applicant to resume his duties at Hardoi.

(x) That on 29.7.1988, the applicant joined his duties at Hardoi and also moved a representation before the Senior Divisional Personnel Officer, Moradabad on 23.8.1988, but no heed was paid towards his representation so far.

(xi) That there is no other efficacious and alternative remedy open to the applicant except to invoke the jurisdiction of this Hon'ble Tribunal. Hence, the present application is being filed on the following, amongst others, *inter alia* grounds:-

G R O U N D S

A) Because the applicant was transferred from Hapur to Hardoi and was relieved in the afternoon of 28.7.1988 at Hapur and he reported for duty at Hardoi on 29.7.1988 and as such he cannot be asked to go back, as the order has been complied by the applicant.

B) Because the applicant being a scheduled caste employee and his native district being Hardoi, his transfer is covered under the Board's circular dated 19.11.1970, 14.1.1975 and 5.2.1986 and in compliance

31/08/2010

of the said circular the applicant is entitled to remain at Hardoi.

C) Because the order dated 29.7.1988 passed by the Assistant Engineer, Hardoi is against the principles of natural justice and is not in conformity with the Board's circular dated 5.2.1986.

D) Because the applicant in his representation dated 23.8.1988 has clearly stated that he got his children admitted at Hardoi and also took a house on a rent of Rs. 300/- per month and as such it would be difficult for him and his family to shift to another place.

E) Because the action of the Assistant Engineer Northern Railway, Hardoi is arbitrary, malafide, discriminatory, illegal and bad

#### 7. Reliefs sought

In view of the facts mentioned in para 6 the applicant prays for the following reliefs:-

i) That the Hon'ble Tribunal be pleased to direct the Assistant Engineer, Northern Railway, Hardoi to relieve Sri R.B. Srivastava as mentioned in the order dated 7.7.1988 and give charge to the applicant.

ii) That the Hon'ble Tribunal be pleased to quash the order dated 29.7.1988, which is not in conformity with the circular dated 5.2.1986, and direct the respondents to allow the applicant to resume his duties at Hardoi, or the respondents be directed to post the applicant at a place adjoining to Hardoi in the interest of justice.

iii) Any other relief deemed fit and proper may also kindly be awarded in favour of the applicant and against the respondents.

8. Interim order prayed for pending final decision on the application;

The applicant seeks the following interim relief:-

i) That during the pendency of the case, the respondents be directed to allow the applicant to resume his duty at Hardoi.

ii) That any other relief, which the Hon'ble Tribunal deems fit and proper, may also be awarded to the applicant.

9. Details of remedies exhausted;

i) That the applicant declares that he has

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availed all the remedies available to him under the relevant rules.

ii) That the applicant preferred a representation on 23.8.1988 against the order dated 29.7.88 and the said representation is still pending.

10. Matter not pending with any other court etc

The applicant further declares that the matter, regarding which this application has been made, is not pending before any court of law or any other Bench of the Tribunal.

11. Particulars of Bank Draft/Postal Order in respect of the application fee;

1. Name of the Bank on which drawn
2. Demand Draft No.

Or

- 1) No. of Indian Postal Order DD 020255
- 2) Name of the issuing Post Office G. P. O. Lucknow
- 3) Post Office at which payable G. P. O. Allahabad

12. Details of Index:

An index in duplicate containing the details of the documents to be relied upon is enclosed separately.

S. A. 2018

13. List of Enclosures

Annexure No. 1- Copy of order dated 7.7.1988.  
Annexure No. 2- Copy of letter dated 28.7.1988.  
Annexure No. 3- Copy of order dated 29.7.1988.  
Annexure No. 4- Copy of application dated 23.8.1988.  
Annexure No. 5- Copy of order dated 5.3.1986.

VERIFICATION

I, Jhabboo Pal son of Sri Niranjan, aged about 43 years, resident of Tekha Majra Patseni, P.O. Barwa Sarsand, district Hardoi do hereby verify that the contents of paragraphs 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts to the registrar.

ज्ञानपाल

Place: Lucknow

APPLICANT

Dated: Sept. 23, 1988

SP Sir / M

ज्ञानपाल

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH LUCKNOW.

MISC. APPLICATION NO. 152 1989 (C)

IN

ORIGINAL APPLICATION NO. 155 OF 1988 (L)

Jhabbu Lal. .... Applicant

Versus

Union of India & Others. .... Respondents..

BRIEF FACTS LEADING TO THE APPLICATION.

(1) The applicant filed the above noted application challenging the validity of the order of transfer dated 29-7-88 and also prayed that he be allowed to join in the Office of the Assistant Engineer, Northern Railway, Hardoi.. The applicant also prayed for interim relief.

*Sri Girish Kumar  
to file before  
Hon'ble Court for  
objection  
on 25/11/88*

(2) That the respondent No. 5 filed objection of the reply to the Interim Relief Application in which they had stated that they cancelled the order dated 7-7-88, vide Order dated 9-8-88 as such the application should be dismissed. The above fact was brought to the knowledge of the applicant on 21-11-88.

*21-11-88*

(3) That due to change of the circumstances it became necessary for the applicant to challenge the order filed by the respondents alongwith the objection/reply dated 9-8-88.

RELIEF OR PRAYER.

(4) That the applicant seeks the following amendments in his original application.

(A) That in facts of the case after paragraph (x) and before paragraph (xi), the following paragraph be allowed to be added.

(xA) That the Order dated 9-8-88 passed by the respondents by which the original order of transfer dated 7-7-88 was cancelled, is illegal and bad on the grounds that the applicant has been relieved in pursuance of the Order dated 7-7-88 so the order 9-8-88 cannot be passed against the applicant.

(xB) That one order of transfer dated 7-7-88 was executed and he submitted his joining report at Hardoi, clearly shows that the order of transfer has acted upon and once it is acted upon, it can by no imagination can be cancelled by the respondents.

(xC) That the order dated 7-7-88 exhausted in itself so the order dated 9-8-88 is persee, illegal and void and the applicant cannot be asked to go back again to his original post without passing a fresh order of transfer.

(xD) That the applicant was transferred in place of Sri R.D. Srivastava, who was appointed on adhoc basis ought to have been relieved and by not

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AP22

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relieving him, the opposite party had flouted the orders issued for the transfer of Scheduled Caste and Schedule Tribes.

(B) That after Ground No. 4, the following grounds be allowed to be added.

(F) Because the Order dated 8-8-88 is illegal and void as the order dated 7-7-88 had already exhausted in itself so the order dated 8-8-88 cannot be passed against the applicant.

(G) Because the order of transfer dated 7-7-88 was acted upon and in pursuance of the same the applicant joined at Mardoi, there remained nothing to be cancelled, so the order dated 8-8-88 is illegal and void.

(J) That relief No. iii be allowed to be renumbered as relief No. v and relief No. iii and iv be allowed to be added as follows.

(iii) That the Hon'ble Tribunal be pleased to quash the order dated 8-8-88 and declare that the applicant resurces his duty at Mardoi in pursuance of the order dated 7-7-88 and is entitled to full pay and allowances of the post.

(iv) That the Hon'ble Tribunal is so clearly pleased to command the respondents to pay regular salary to the applicant with interest.

Explanation

(J) But by rendering the nature of application does not change.

A23

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VERIFICATION.

I, Jhabbu Lal, son of Sri Kiranjan, aged about 44 years working as Clerk in the Office of Asstt. Engineer, Northern Railway, Hardoi, resident of Village Tirwa Majra Patseni, Post Darwa Sarsang, Distt. Hardoi do hereby verify that the contents of paras 1 to 5 are true on legal advice and that I have not suppressed any material fact.

APPLICANT.

Dated: May 17, 1989.

Place: Lucknow.

31 Aug 1989

On behalf of  
Jhabbu Lal  
rules has signed  
before me.

Malik  
(H. K. Malik)  
Advocate

31 Aug 1989

31 Aug 1989

48  
P2M

THE NATIONAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
SI DUTY DUTCH LUMICOL

MS. FILE. NO.

152

1989

IN

Original

Application No. 155 of 1988(L)

Thakku Lal .

... Applicant.

Versus

Union of India & Others. ... Respondents.

FACTS LATING TO THE APPLICATION.

(1) That the above noted case was fixed before this Tribunal and the applicant was allowed two weeks' time to file the amendment application in the case.

(2) That the applicant contacted his Counsel, who dictated the application for amendment to his Steno but due to the death of the mother of the Steno, the same could not be typed as he went out of station to his home town and returned on 12-5-89 when he typed the application

Sri Sisish Kumar  
to be kept  
ready & put  
up before Hon'ble  
Court for orders

157

31 Aug 1989

(R/S)

for amendment on 13-5-89 and 14th May, 1989

being Sunday, the application for amendment was typed out.

(3) That delay in filing the application for amendment is due to the facts mentioned above which may kindly be condoned or excused in the interest of justice.

(4) That delay in filing the application for amendment is not deliberate but it was incidental.

P R A Y E R.

Wherefore, it is most respectfully prayed that delay in filing the application for amendment be condoned or excused in the interest of justice.

महाराष्ट्र

VERIFICATION.

I, Jhabbu Lal, son of Sri Hiranjan, aged about 41 years working as Clerk in the Office of Asstt. Engineer, Northern Railway, Hardoi, resident of Village Tirwa Majra Patseni, Post Darva Sarsand, Distt. Hardoi do hereby verify that the contents of pages 1 to 4 are true on legal advice and that I have not suppressed any material fact.

Dated: May 17, 1989.

APPLICANT.

Place: Lucknow.

Set by order

I, identify  
Sri Jhabbodal  
roles has signed  
before me.

M. K. Kulkarni

C. K. Kulkarni  
Advocate

Set by order

Set by order

Annexed to  
Pt. II

AEN-HPU

Northern Railway

Office of the  
Divl. Railway Manager,  
Moradabad  
Dt. 7th July, 1988

Office Order

No. 940-EO-3/Transfer/86/Pt. II

In partial modification of the orders contained in letter of even no. dt. 20/5/88, the following transfer orders are issued with immediate effect:-

1. Shri B.R.Gautam, Sr.Clerk under PWI/CH is posted under PWI/RG.
2. Shri Jhabbu Lal, Clerk under AEN/HPU is posted vice Shri R.B.Srivastav under AEN/HRI who should be relieved to join as Enq.Cum Reservation Clerk/HRI.
3. Shri Smt.Suman Lata Sharma, Clerk under WA Branch/MB is posted under AEN/HPU vice Mr Jhabbu Lal.
4. Shri Munna Lal, Clerk under AEN/HPU is posted vice Smt.Suman Lata Sharma in WA Branch.
5. Mr Harendra Kumar, Clerk under PWI/RG is posted under PWI/CH vice Shri B.R.Gautam.

S. G. J.

S. G. J.  
As Sr.Divl. Personnel Officer,  
Moradabad

Copy forwarded to the following for information and necessary action:-

1. AENs/HPU, CH and HRI
2. DSE
3. Sr.DAO/MB
4. Supdt/Paybill
5. Subdt. W.A. Section

True copy  
Attached

21/07/88



3712-2010

गोपनीय ६/३

गोपनीय वर्तमान वापरना  
३० रो. ८१४५,

दि. २८-७-८८

३७१२-२०

(I) गाड़ी वेतन प्रदान कर्तव्यात्मक वेतन गोपनीय वापरना

९५०-६०-३/Transfer/८६/PT-II दि. ७-११ July, १९८८ वापरना -

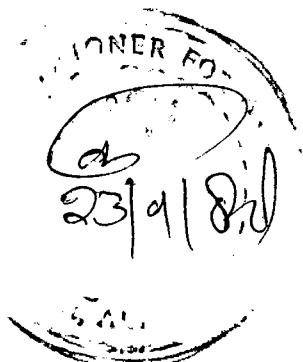
① श्री डॉ लाल निधन वेतन ९५०-१५०० वापरना  
गोपनीय ३० रो. ८१४५ को अपने पर और वेतनमात्र में इसके  
वेतन एवं वापरना कर्तव्यात्मक वेतन को अधिक तापि वेतन के  
पास दि. २८-७-८८ को ३७१२-२० गोपनीय विधा जाता है,  
वेतन वाले वेतन प्रमाण पर किसी साथ संलग्न ही दूरी  
दूरी वेतन अभिनव वेतन वाले विधा जाता है।  
दूरी वेतन दि. २-८-८८ को वार्ता वार्ता विधा जाता है,  
दि. ३-८-८८ को ३७१२-२० वार्ता वार्ता है।

- ५५५ -

- निधनीय :- वार्ता वार्ता विधा जाता है।

- ① वापरना वापरना कर्तव्यात्मक वेतन
- ② प्रवर्तन वेतन वाले विधा वापरना कर्तव्यात्मक वेतन ९५०-६०-३/Transfer/८६  
PT-II-१२. ७-११ July, १९८८ को वार्ता वार्ता में
- ③ वापरना वेतन विधा वापरना कर्तव्यात्मक वेतन
- ④ श्री डॉ लाल निधन, - True Copy  
Attested

- वापरना -



शहर रेल  
NORTH EASTERN RAILWAY

429

मिनिट्स नं 3

१३८३

पत्र क्र. नं 15

कार्यालय सहायता  
हरदोई. दिनांक 29.7.88

देवा में वरिठ सं ० काल्पनि अधिकारी  
३० रेठ तुरादावाद ।

क्रिया:- श्री शश्वताल लिपिक श ईश्वरान्तरण हायुद्ध से हरदोई ।

कुंद्रा:- अपक्र पत्र सं ० ९४०-०३०-३/ईश्वरान्तरण/८६/२८.८

दिनांक 07.7.88.

उपरोक्त पत्र के उन्हीं में अपक्रे मुद्रित क्रिया जाता है कि  
इस कार्यालय में एक पद रिहाई है जबकि श्री अर. बोझीवालतव तथा  
पिंडे छुतर तुरल पहले के बी कार्य कर रहे हैं । मेरे पास एक लिपि  
लिपिक पहले ही लिपि है अतः श्री शश्वताल जो श्री अपक्र दिनांक  
29.7.88 के इस कार्यालय में उपरिषित हुये हैं श्री अपक्रे पात्र कर्त्ता  
कार्यकारी हुए भेजा जा रहा है ।

श्री शश्वताल लिपिक श्री अपक्र लिपुक्ति करके श्री पा फै ।

महायक उ सद्यका  
हरदोई ।

संग्रहालय

True Copy  
Attested



Hinweisen

WBO

41872. 175. 353.

146271

86) Pt. II. 171, 198. 618283. 9d.

संभास १९८८ वर्ष की प्राचीन संस्कृत जागरूकता  
पुढ़ २९/८/८८ तिथि संस्कृत जागरूकता  
दरवाज़े का उत्तरार्द्ध ५५८

प्राची ने वर्षा/लालामीश्वर देवार 7/7/8000 वा 6000  
1500 धा द्वारा P.O. साइल ले 07/07/00 अन्तर्वारा। पुराना 300 रु.  
क्षमता देवार 100 रु. पर 100/00 100/00 द्वारा दी

AEN-HRI નું જાનકી આદ્યશી વ્યો પાલન ને મારું આપ્યું  
આદ્યશી વ્યો જારુ રિદ્યા ।

आप से यह उत्तराद्य नियम आपके अवधियां वाले  
दरवार हैं तो आपको यहां आपको आपको R.B. की  
बासियां नहीं आपको आपको आपको आपको आपको  
आपको आपको आपको आपको आपको आपको आपको

True colors  
At least 21 colors

Annexure No 5

RB

मण्डल रेल प्रबन्धक नायालिया

उत्तार रेल, गुरादाबाद

दिनांक 5/2/1926

Ref. No. 4909

मंत्री ई.सी. 1/10/79/दारा पार्ट-2

समस्त आधिकारी गण गुरादाबाद मण्डल ।

ग्राहक प्रबन्ध अधीनस्थ मुरादाबाद मण्डल ।

समस्त आधीकारी, राजाधक अधीकार एवं सम्बन्धित विभिन्न कार्यालय।

छाया स्टेनो गोपनीय शास्त्र ।

प्रतिलिपि - मण्डल सचिव एवं गारा. सूजन, गुरादाबाद ।

गुरा. एवं गुरादाबाद ।

दिग्गजः - ग्राहक नियुक्ति/पदोन्नति/स्थानान्तरण पर अनुसारि अनुसार जनजाति व्यक्तिगती की उनके लिए निवास स्थान पर सेवाति दरवाजा ।

बोर्ड के पत्र दिनांक 24/12/85 के पत्र नं० १३६३३३, तिलौती-५३/१ की प्रतिलिपि जो कि ग्राहक कायालिय के पत्र नं० ८०८६/२५०-पार्ट-1/वालिया, गुरादाबाद, पा. दिनांक 29. 1. 86 की प्रतिलिपि आपको सूचना भारीदर्जन भर्य आवागाह करावाही देता प्रेषित की जाती है ।

बोर्ड के रूपमें धीन पत्र दिनांक 14. 1. 75 एवं 6. 7. 76 के गुरुण नं० 7057 द्वारा प्राप्तिरित किया जा रहा है ।

गल्गन/पथोक्त ।

दूसरे मण्डल रेल प्रबन्धक ।

30 रोड गुरादाबाद ।

Copy of Rly. Bd.'s letter No. ८०८६-१(SCT) I-५३/१ dated 24. 12. 85  
from the Dy. Director, Estt. (SCT) Rly. Board, New Delhi  
addressed to the General Manager, All Indian Railways & Others.

Sub:- Posting of SC/ST near their Home town on initial  
appointment/promotions/transfers.

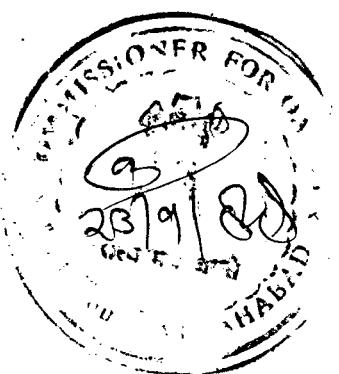
Ref:- Board's letter No. ८०८६(SCT) ७४३१५/१५/३ dated 19. 11. 1970.

(iii) ८०८६(SCT) १५/२५ dated 6. 7. 76.

Contd.... 2/2

True copy  
Attached

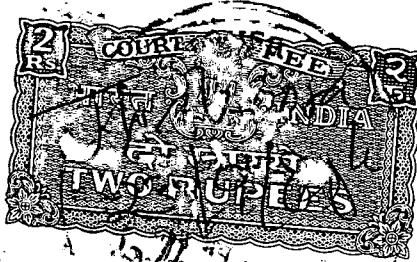
क्षमा लाल



A32

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH  
ALLAHABAD AT LUC KNOW

1988  
AFFIDAVIT  
0094  
HIGH COURT  
ALLAHABAD



Jhabboo Lal

Applicant

Versus

Union of India and others

Respondents

AFFIDAVIT

I, Jhabboo Lal, aged about 43 years, son of Sri Niranjan, resident of village Texya, Majra Patsani, post office Barwa Barsand, district Hardoi do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the applicant in this case and as such he is fully conversant with the facts of the case stated in the accompanying application
2. That annexures nos. 1 to 5 are the true copies of the originals and the deponent has compared them from the originals.

Place: Lucknow

Dated: Sept. 23, 1988



DEPONENT → ज्योति लाल

Verification

I, the abovenamed deponent do hereby verify

AP33

that the contents of paragraphs 1 and 2 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed. So, help me God.

Signed and verified this <sup>23rd</sup> ~~17~~ day of  
23rd Sept., 1988 in the court compound at  
Lucknow.

Place: Lucknow

Dated: Sept. <sup>23</sup> ~~17~~, 1988

DEPONENT

S. P. Singh

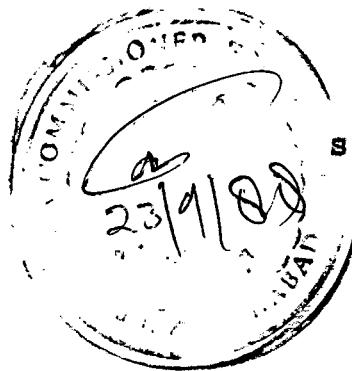
I identify the deponent, who has

signed before me.

S. P. Singh

(S. P. Singh)

Advocate.



T. Abdolal  
Advocate S.P. Singh Adw.  
12:00 AM

I have seen the affidavit of the deponent that he has signed this affidavit in my presence and I have also witnessed the signature.

23/9/88

Advocate

Oath Commissioner

High Court Lucknow

Office No. 82/0894(84)

Date

23/9/88

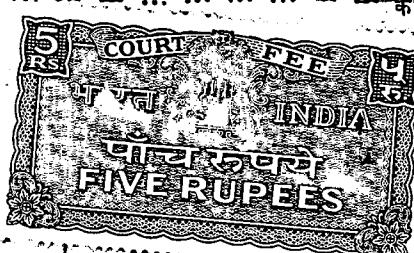
बअदालत श्रीमान

[वादी] अपोलान्ट

प्रतिवादी रेस्पाइन्ट

Under Central Administrative Tribunals

Tribunal, Additional Bench  
Allahabad (Lokayukta's Office)



दालितदासा

वादी [अपोलान्ट]

नं० मुकदमा

ऊपर विले मुकदमा में अपनी ओर से श्री*Yogendra Kumar Kulshreshtha*

Advocate (High Court)  
O. 799, Sector C, Mahanagar, बकील

एवं *C. P. Chid. Adusab* महोदय एडवोकेट

को अपना बकील नियुक्ति करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकदमा में बकील महोदय स्वभ अथवा अन्य बकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोंतर करें या कोई कागज दाखिल कर या लौटावे या हमारी ओर से डिमरी जारी करावे और रूपया वसूल कर या सुलहनामा व इक्याल दावा तथा अपील निगरनी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावे या कोई रूपया जमा करें या हमारी विपक्षी (फरीकसानी) काद खिल कियाहुआ रपया अपने या हमारे हस्ताक्षर युक्त (दस्ताखती) रसीद से लेवे या पच नियुक्ति करें- बकील महोदय द्वारा की गई वह सब कार्यवाही हम्मको सर्वथा स्वीकार है और होगा मैं यह भी एकाकार करता हूँ कि मैं हर पेशो पर यथा किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे बकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर *अ. व्यु. लेट*

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

२२

महीना

मं. १६८९ ई.

Accomplished  
*Yogendra Kumar Kulshreshtha*  
Advocate, High Court

O. 799, Sector C, Mahanagar, Allahabad

435

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLEHABAD BENCH AT LUCKNOW.

\*\*\*\*

OBJECTION/ REPLY

ON BEHALF OF RESPONDENT No.5

IN

REGISTRATION O.A. No. 155 of 1988(L)

Jhabbu Lal . . . . . Applicant

Versus

Union of India and others . . . . . Respondents

The objection/reply on behalf of the respondent No.5 is as follows.

1. That in regard to the allegations made in paragraph 3 of the application it is stated that the order dated 7.7.1988 on which the other order dated 28.7.1988, was based has since been cancelled vide the Order No.940/E0-3/Transfer 36 Part II dated 9.8.1988 issued by the Divisional Railway Manager, Moradabad, a true copy of which is being filed herewith as Annexure 1 to this objection. With the cancellation of the aforesaid order the application has been rendered infructuous.

  
संसदीय अधिकारी  
कर्त्तव्य, हरदोई  
Ass't. Engineer  
S. Rly. Hardoi

2. That in regard to the allegations

(A36)

-2-

made in paragraph 6(i) of the application it is stated that the applicant joined the post of clerk at Hapur in January, 1988. This posting was against a clear vacancy.

3. That in regard to the allegations made in paragraph 6(ii) of the application it is stated that the order dated 7.7.1988, referred to in the paragraph under reply, has since been cancelled vi'e the order No.940/E0-3/Transfer-36 Part II dated 9.8.1988 issued by the Divisional Railway Manager, Moradabad. In this connection it may further be stated that in fact no post was available at Hardoi where the applicant could be adjusted. The Schedule caste quota for Hardoi Sub Division stood filled up. One Vivek Kumar Shukla, who is of P.H. (partially handicapped <sup>temporarily</sup> category was adjusted at Hardoi against a work-charge post, which had a duration of eight months. Sri R.B. Srivastava was given an ad hoc appointment on the post of a clerk. Against this vacancy Sri Vivek Kumar Shukla had to be adjusted against P.H. quota. Since the Scheduled caste quota stands already filled up in Hardoi Sub Division, there was no possibility of the applicant's adjustment there. On detection of the mistake the same was rectified and the order dated 7.7.1988 was cancelled.

  
मृत्ति रेलवे, राष्ट्रीय  
Mr. Rakesh Kumar Srivastava  
Engineer  
M.R. Hardoi

4. That in regard to the allegations made in paragraph 6(iii) and 6(iv) of the application it is stated that the applicant appears to have been relieved from Hapur on 28.7.1988. When he reported for duty at Hardoi on 29.7.1988 he was asked to report to the Divisional Personnel Officer, Moradabad with a request for his posting somewhere else. This was necessitated, as there was no post available at Hardoi under Assistant Engineer, where he could be adjusted.

5. That in regard to the allegations made in paragraph 6(v) of the application it is stated that as has already been stated in the preceding paragraph the order dated 7.7.1988 has since been cancelled on detection of the mistake and the status quo ante, so far as the applicant is concerned, has been restored. The applicant was made aware of the non-availability of the post on 29.7.1988 when he was asked to report to the Divisional Personnel Officer, Moradabad. In these circumstances there could be no justification for either taking any house on rent or getting the children admitted, as asserted. So far as it could be ascertained the applicant has not taken any house on rent at Hardoi, as asserted in the paragraph under reply. There could be no justification for taking the house on rent.



(X3)

-4-

On his regular posting at Hardoi the applicant could have been allotted a quarter. No reasonable person could act in a manner as is being asserted by the applicant in the facts and circumstances of the present case, especially in view of the order dated 29.7.1988 whereunder it was made clear to him that it was not possible to adjust him at Hardoi. It is further stated that the application, referred to in the paragraph under reply, was totally misconceived and baseless. The applicant had been posted at Hapur in the month of January, 1988 and in the normal course he had to be there for a period of three years. He had never objected to his transfer to Hapur and since in normal course he had to remain there for a minimum period of three years, he could have no objection to the restoration of the position, as it stood prior to 7.7.1988/28.7.1988. So far as Lakshmi Narain, referred to in the paragraph under reply is concerned, no application from him seeking his transfer has been received as yet. No administrative exigency exists, which could justify the transfer of Lakshmi Narain.

6. That in regard to the allegations made in paragraph 6(vi) of the application it is stated that the order issued by the Railway Board, referred to in the paragraph under reply, is not at all attracted in the facts and circumstances of the present case. As has already been

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indicated above, the scheduled caste quota, so far as the clerks are concerned, stands filled up in Hardoi Sub Division. The applicant cannot be adjusted at Hardoi, as there is no post available there. In view of the administrative exigencies the applicant could not, in the circumstances of the case, be shifted from Hazur, where he had been posted in the month of January, 1988. On detection of the mistake in issuing the order dated 7.7.1988, the said order was cancelled. The applicant was not entitled to the benefit of the order issued by the Railway Board, referred to in the paragraph under reply. There could be no justification for depriving a scheduled caste candidate already holding the post of clerk at Hardoi and adjusting the applicant there. The posting of Sri Hira Lal, a scheduled caste person in Hardoi Sub Division, in accordance with the circular issued by the Railway Board, which posting is continuing for more than four years, could not be disturbed. The claim of the applicant is totally misconceived and deserves to be rejected.

7. That the allegations made in paragraph 6(vii) of the application are incorrect and are denied. The applicant is not on leave, as suggested. The applicant reported for duty before the Divisional Personnel Officer on 30.7.1988. He, however, did not attend with

  
महाराज खम्मियन्त  
कंसर रेलवे, हार्डोइ  
Loc. Engineer  
M. Rly. Hardoi

AUG

-6-

effect from 1.8.1988 and is absent from duty without any justification. So far as the order issued by the Railway Board is concerned, the correct position has already been indicated above, which need not be repeated again.

8. That in regard to the allegations made in paragraph 6(viii) of the application it is stated that Sri R.B. Srivastava is going to be relieved very shortly to join as ERC/HRI.

9. That in regard to the allegations made in paragraph 6(ix) of the application it is stated that in the circumstances, which have already been indicated in the preceding paragraph, it has become necessary to direct the applicant to report for duty before the Divisional Personnel Officer, Moradabad. He has since been directed to report for duty at Hapur in accordance with the order dated 9.8.1988.

10. That in regard to the allegations made in paragraph 6(x) of the application it is stated that the applicant is continuing to be absent from duty since 1.8.1988, without any authority. He has already been paid his salary till 2.8.1988. This was paid as advance pay. Since he is absent from duty in an unauthorised

AM

-7-

manner, he is not entitled to any salary as claimed. No ground at all has been made out for interference by this Hon'ble Tribunal.

11. That in regard to the allegations made in paragraph 7 of the application it is stated that the applicant is not entitled to any relief. He has approached this Hon'ble Tribunal with unclean hands and has disentitled himself from getting any relief.

12. That in regard to the allegations made in paragraph 8 of the application it is stated that in the circumstances of the case he is not entitled to any relief prayed. He is not complying with the order dated 9.8.1988 even though he has full knowledge about the same.

13. That the allegations made in paragraph 9 of the application are incorrect and are denied.

#### VERIFICATION

I, Q.P. Singh, Assistant Engineer,

Northern Railway Hardoi, do hereby

verify that the contents of this

objection/reply in paragraphs

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-8-

S (Partly) 6, 11, 12 and 13 are

true to my personal knowledge, those

of paragraphs 1 & 4 S (Partly) 1, 8, 9, 11

are based on record and those of

paragraphs \_\_\_\_\_

are based on legal advice, ~~akk~~

  
सहाय्य अधिकारी

(O. R. R. के, हार्डोई)  
Assistant Engineer, N. Railway,  
Assistant Engineer,  
N. Rly. Hardoi

Place of verification: Hardoi

Date of verification: November , 1988

det.

ਉਤਸਰ ਏਲੋ

फो. नं.: - ९४०/पु. दो. - उत्तरपाटी ३८ शाखा-१।

० धार्मिक वक्तव्य एवं प्रतिक्रिया

ਗੁਰਾਵ ਪਿਛ ।

दिवाळी:- 9.3.83

प्रियकर्ता

શ્રી કૃત્તુ ના નિર્મિત પ્રાચીય ઉદ્ઘાર હન્દી પાલતા / હાલુદુ લિખે લાંબાતરણ  
ને પાલેના હાથ જરૂરાદ્ય ને હય ઈંગ્રેઝ લોયિંગ નિયમો 7.7.88 ને પ્રાણીત હથમણ  
અનિયતા/દરબોર્ડ ને પ્રાચીય હારી પિયે યોધે હે તો હય દાદુદ ઠરને તુયે શ્રી કૃત્તુ ના  
નિર્મિત તો પરિષ ઉડાયન અનિયતા - હાલુદુ ને જરૂરાદ્ય ને શિયુલ પિયા હાં ને ।

6912

## ਉਤੇ ਧਾਰਨ ਰੇਤ ਪ੍ਰਤੀਥੀ

ପ୍ରତିକିଳିଃ ତୁମ୍ହାରୀ ଏବଂ ମୁଖ୍ୟମ୍ଭାବୀ ପ୍ରେସ୍ତୁତି ହେତୁ ।

1. ਦਾਤਾਂ ਅਨਿਵਾਰੇਹਾਂ • ਹਰਦੋਈ ।
2. ਹਵਾਂ ਦੀ ਕੋਈ ਲਾਗਾ ।
3. ਤੇਜ਼ ਲੱਭੁ ਲੈਗਿਤਰੀਅਰ ਸਿਫਾਰਸ਼ ।

ମେଲାପାଇଁରେ କଥାପଥା